

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

SHELAGH PAYNE

Plaintiff,

v.

Civil Action No. 4:12cv87

**LAW OFFICES OF SHAPIRO, BROWN & ALT, LLP
F/K/A LAW OFFICES OF SHAPIRO & BURSON, LLP,**

and

**PROFESSIONAL FORECLOSURE COPORATION
OF VIRGINIA**

Defendants.

JOINT STATUS REPORT

This matter is companion to six consolidated cases, with the lead case styled *Moore v. Shapiro Brown & Alt*, 4:11cv122. This case, together with the consolidated cases, are in the process of mediation. The Court has ordered a periodic status report, which report should have been filed on January 13, 2013.

The parties submit the following status report:

1. The parties held an in-person mediation session with Judge Dohnal on October 4, 2012.
2. On November 2, 2012, the parties were granted a 90 day stay of the proceedings to pursue mediation efforts.
3. On December 13, 2012, the parties filed a joint status report and informed the Court of their respective positions concerning the stay and mediation status, as well as the filing of a class action lawsuit was filed by counsel for Plaintiffs against Defendants in the Richmond

Division (*Boyd et al. v. Law Offices of Shapiro, Brown & Alt, LLP, et al.*, Civil Action No: 3:12-cv-700-REP (hereinafter “*Boyd*”))

Plaintiffs’ Position

4. Despite the efforts of Plaintiffs, their counsel and Judge Dohnal, Defendants have yet to make a meaningful effort at settlement. They have refused to make any offer – meaningful or otherwise. Plaintiffs and their counsel remain ready and willing to mediate and have expressed their position to Judge Dohnal. Indeed, even in their position herein, Defendants do not suggest that the stay continue in order to facilitate settlement, but instead in order to permit Defendants an attempt to transfer the venue of a Richmond Division case, with almost exclusively Richmond Division Plaintiffs seeking equitable and declaratory determinations as to exclusively Richmond Division real property. Therefore - the Defendant’s allegations of supposed “forum shopping” ring hollow, and Plaintiffs would encourage the court to look skeptically on the aspersions made by the pot with regard to the kettle.

But Plaintiffs’ position can be stated simply: As the Defendants apparently place much weight on the motions now pending before Judge Payne in the *Boyd* matter both as to the direction of mediation as well as issues to be determined in this case, plaintiffs agree. They consent to a continued stay of litigation in this matter until 30 days after the motions to transfer and to dismiss the case are ruled upon in the *Boyd* matter.

Defendants’ Position

5. Defendants continue to believe the stay should remain in place. Defendants remain engaged with and committed to the mediation process with Judge Dohnal. Defendants are awaiting individual settlement demands on the specific cases that have been filed and are stayed pending mediation. The *Boyd* class action lawsuit was filed against Defendants in the

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to the following:

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